IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.59480-M of 2006
Date of Decision:- 29.1.2007

Milkha Singh ....Petitioner(s)

through
Mr.Krishan Singh, Advocate

vs.

The State of Haryana & anr. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is undergoing 10 years' rigorous imprisonment for an offence under Section 392, 397 IPC, has been denied parole for house repairs on the ground that as per the report of the District Magistrate, Shree Ganganagar (Rajasthan), the petitioner is habitually quarrelsome and is also guilty of committing dacoity in a Bank at Ellenabad.

Somewhat similar stand has been taken in the written statement also.

Relying upon the recommendations made by the Gram Panchayat of the village, learned counsel for the petitioner contends that earlier also, the petitioner was released on parole from 8.2.2005 to 6.3.2005 which was availed by him peacefully.

If that is so, the reason assigned by the respondents that he is habitually quarrelsome or may commit some heinous offence if released on parole, does not appear to have any factual basis.

Consequently, this petition is allowed to the extent that the impugned order dated 27.7.2006 (Annexure P-1) is quashed with a direction

to the Director General of Prisons, Haryana to re-verify the facts and thereafter pass an appropriate order within a period of two months from the date of receipt of certified copy of this order.

January 29, 2007 **(SURYA KANT)**
poonam **JUDGE**